

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ELISA W., *et al.*,

Plaintiffs,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

USDC SDNY

~~CONFIDENTIAL~~  
ELECTRONICALLY FILED

CLERK OF COURT  
U.S.D.C.  
DOCSWAIN DOC #:

FILED: 11-4-2019

15 Civ. 5273 (LTS) (HBP)

**MEMO ENDORSED**

**NOTICE OF MOTION TO SUBSTITUTE MICHAEL B. MUSHLIN AND  
SHAMARA MILLS AS NEXT FRIENDS**

PLEASE TAKE NOTICE that, upon the declarations of Michael B.

Mushlin and Shamara Mills, executed on August 14, 2019 and October 18, 2019 respectively, and the accompanying Memorandum of Law in Support of Named Plaintiff Children's Motion to Substitute Michael B. Mushlin and Shamara Mills As Next Friends, Plaintiffs Elisa W.; Alexandria R., by her next friend, Alison Max Rothschild; Thierry E., by his next friend, Amy Mulzer; Lucas T., Ximena T., Jose T.C. and Valentina T.C., by their next friend, Rachel Friedman; Ayanna J., by her next friend, Meyghan McCrea; Olivia and Ana-Maria R., by their next friend, Dawn Card; Xavion M., by his next friend, Michael B. Mushlin; Dameon C., by his next friend, Reverend Doctor Gwendolyn Hadley-Hall; Tyrone M., by his next friend, Bishop Lillian Robinson-Wiltshire; Brittney W., by her next friend, Yusuf El Ashmawy; Mikayla G., by her next friend, Amy Mulzer; Myls J. and Malik M., by their next friend, Elizabeth Hendrix; and Emmanuel S. and Matthew V., by their next friend, Samuel D. Perry (collectively, "Named Plaintiff Children"), respectfully move this Court before Hon. Laura Taylor Swain at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY, Courtroom 17C for an order pursuant to Fed. R. Civ. P. 17(c) substituting Michael B.

Mushlin for Amy Mulzer and Shamara Mills for Yusuf El Ashmawy as the next friends for Named Plaintiff Children Mikayla G., Thierry E and Brittney W. and amending the caption to read as follows:

“ELISA W., ALEXANDRIA R., by her next friend, Alison Max Rothschild; THIERRY E., by his next friend, Michael B. Mushlin; LUCAS T., XIMENA T., JOSE T.C. AND VALENTINA T.C., by their next friend, Rachel Friedman; AYANNA J., by her next friend, Meyghan McCrea; OLIVIA and ANA-MARIA R., by their next friend, Dawn Cardi; XAVION M., by his next friend, Michael B. Mushlin; DAMEON C., by his next friend, Reverend Doctor Gwendolyn Hadley-Hall; TYRONE M., by his next friend, Bishop Lillian Robinson-Wiltshire; BRITTNEY W., by her next friend, Shamara Mills; MIKAYLA G., by her next friend, Michael B. Mushlin; MYLS J. AND MALIK M., by their next friend, Elizabeth Hendrix; and EMMANUEL S. AND MATTHEW V., by their next friend, Samuel D. Perry, individually and on behalf of a class of all others similarly situated,

Plaintiffs,

-against-


THE CITY OF NEW YORK; the NEW YORK CITY ADMINISTRATION FOR CHILDREN’S SERVICES; DAVID HANSELL, Commissioner of the New York City Administration for Children’s Services, in his official capacity; the STATE OF NEW YORK; the NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES; and SHEILA J. POOLE, Acting Commissioner of the New York State Office of Children and Family Services, in her official capacity,

Defendants.”

The City Defendant has consented to the substitution of Ms. Mills as Brittney W.'s next friend; the State Defendant takes no position. Both the State and City Defendants take no position as to the substitution of Mr. Mushlin as Mikayla G.'s and Thierry E.'s next friend. Named Plaintiff Children respectfully request that the Court grant this motion.

The within motion  
for the substitution  
of Ms Mills as next  
friend to Brittney W.  
and for the substitution  
of Mr Mushlin as next  
friend to Mikayla G.  
and Thierry E. is  
granted and the  
Clerk of Court is  
directed to update  
the caption as set  
forth above.  
DE #463 Resolved.

SO ORDERED:

 12/4/19  
HON. LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE

New York, NY  
November 1, 2019

Respectfully submitted,

by M. Robinson Lowry  
Marcia Robinson Lowry  
Sarah W. Jaffe BMD

A Better Childhood, Inc.  
355 Lexington Avenue, Floor 16  
New York, NY 10017  
(646) 975-4456  
mlowry@abetterchildhood.org  
sjaffe@abetterchildhood.org

CRAVATH, SWAIN & MOORE LLP  
Julie A. North  
Julie A. North  
Gregg A. Fish BMD  
Max A. Winograd  
Amanda S. Coleman  
Colleen M. Schmalberger

Worldwide Plaza  
825 Eighth Avenue  
New York, NY 10019  
(212) 474-1000  
jnorth@cravath.com  
gfish@cravath.com  
mwinograd@cravath.com  
acoleman@cravath.com  
cschmalberger@cravath.com

*Attorneys for Plaintiffs Elisa W., Alexandria R., by her next friend, Alison Max Rothschild; Thierry E., by his next friend, Amy Mulzer; Lucas T., Ximena T., Jose T.C. and Valentina T.C., by their next friend, Rachel Friedman; Ayanna J., by her next friend, Meyghan McCrea; Olivia and Ana-Maria R., by their next friend, Dawn Cardi; Xavion M., by his next friend, Michael B. Mushlin; Dameon C., by his next friend, Reverend Doctor Gwendolyn Hadley-Hall; Tyrone M., by his next friend, Bishop Lillian Robinson-Wiltshire; Brittney W., by her next friend, Yusuf El Ashmawy; Mikayla G., by*

*her next friend, Amy Mulzer; Myls J. and Malik M., by their next friend, Elizabeth Hendrix; and Emmanuel S. and Matthew V., by their next friend, Samuel D. Perry, individually and on behalf of a class of all others similarly situated.*